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**FILED**

APRIL 29, 2010  
**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF :

**JOSEPH R. GAUDIO, M.D.**  
LICENSE NO. 25MA06692700 :

TO PRACTICE MEDICINE AND SURGERY :  
IN THE STATE OF NEW JERSEY :

ADMINISTRATIVE ACTION

**ORDER OF REINSTATEMENT**

This matter was most recently presented to the State Board of Medical Examiners (the "Board") by Joseph R. Gaudio, M.D. ("Dr. Gaudio"), of New York, New York, pursuant to an application for reinstatement subsequent to a Final Consent Order of Suspension filed on October 19, 2009.

By the terms of the Order of October 19, 2009, Dr. Gaudio's license was suspended for two years, with three months of active suspension and the remainder to be stayed and served as probation. Dr. Gaudio was also ordered to pay \$11,500.02 in fines and costs to the Board, payable in installments, and to successfully complete remedial courses in ethics and prescribing of controlled dangerous substances. These disciplinary terms were ordered as a result of an investigation into Dr. Gaudio's involvement with an illegal internet pharmacy in 2004 - 2005, along with his failure to disclose said investigation to the Board. The investigation, undertaken by the federal Drug Enforcement Administration ("D.E.A."), revealed that Dr. Gaudio had issued several prescriptions for controlled substances to patients over the internet, for whom he did not perform any independent physical examination. This conduct led to a one-year suspension of Dr.

Gaudio's D.E.A. prescribing certification, as well as termination from his then-employer.

Following the three month active suspension, and pursuant to the terms of the Order of October 19, 2009, Dr. Gaudio appeared before a Preliminary Evaluation Committee of the Board on March 24, 2010, seeking reinstatement of his license. The Committee found that Dr. Gaudio had satisfied the terms of the Order, by showing successful completion of his required coursework, by showing that he is current on all installment payments to the Board, and by testifying that he had refrained from all medical practice in both New Jersey and New York during the active suspension. Dr. Gaudio was represented during all relevant Board proceedings by Barry Warner, Esq., of the law firm of Proskauer Rose, L.L.P.

The Board having been satisfied that Dr. Gaudio is in compliance with the terms of his active suspension of licensure and finding the within Order is adequately protective of the public health, safety, and welfare,

IT IS, ON THIS 29TH DAY OF APRIL 2010,  
ORDERED:

1. The active suspension of the license of Joseph R. Gaudio, M.D., is terminated. Dr. Gaudio's license to practice medicine and surgery in New Jersey is reinstated, without clinical restriction, subject to the terms of probation as set forth in the Final Consent Order of October 19, 2009.

2. Dr. Gaudio shall continue to make installment payments to the Board of all fines and costs as ordered under the Final Consent Order of October 19, 2009.

3. Any violation of this present Order, the continuing terms of the Final Consent Order of October 19, 2009, or the statutes and regulations administered by the Board may be deemed a violation of Dr. Gaudio's probationary status, which will subject Dr. Gaudio to an application for an immediate suspension of his licensure privileges. Dr. Gaudio shall have the right to apply for removal of the suspension on ten days' notice but, in such event, shall be limited to a showing that information submitted to the Board regarding such violation was false.

STATE BOARD OF MEDICAL EXAMINERS

By: 

Paul C. Mendelowitz, M.D.  
Board President